

VILLAGE OF POMONA
BOARD OF TRUSTEES MEETING
JUNE 23, 2003

A Board of Trustees meeting of the Village of Pomona was held at the Pomona Village Hall, 100 Ladentown Road, Pomona, New York at 7:30 p.m. on June 23, 2003.

Present

Mayor: Herb Marshall
Deputy Mayor: Nick Sanderson
Trustees: Ian Banks
Alan Lamer
Alma Roman

Reuben Ortenberg, Village Attorney
P. J. Corless, Village Engineer
Michael Zrelak, Jr., Building Inspector

Village Clerk: Susan Glantz

Summary of Motions:

Trustee Lamer moved to adopt the local law regulating snow plowing and landscaping, as amended. Seconded by Deputy Mayor Sanderson. Motion carried 5-0.

Deputy Mayor Sanderson moved to adopt the local law amending overnight parking on Village of Pomona streets and roadways. Seconded by Trustee Banks. Motion carried 5-0.

Deputy Mayor Sanderson moved to adopt the Minutes of April 28, 2003, as amended. Seconded by Trustee Lamer. Motion carried 5-0.

Deputy Mayor Sanderson moved to adopt the Minutes of May 12, 2003, as amended. Seconded by Trustee Lamer. Motion carried 5-0.

Trustee Lamer moved to adopt the Minutes of May 27, 2003 as presented. Seconded by Deputy Mayor Sanderson. Motion carried 5-0.

Deputy Mayor Sanderson moved to return escrow for road clean-up and repair as provided for in the Highgate Developer's Agreement, Paragraph 7, to be handled in the same manner as all other escrow when the need is completed and upon recommendation of the Village Engineer and approval of the Village Board. Seconded by Trustee Banks. Motion carried 5-0.

Deputy Mayor Sanderson moved to return an escrow of \$1000.00 to JWL Construction. Seconded by Mayor Marshall. Motion carried 5-0.

Deputy Mayor Sanderson moved to return an escrow of \$500.00 to JWL Construction. Seconded by Trustee Lamer. Motion carried 5-0.

Deputy Mayor Sanderson moved to return an escrow of \$1500.00 for landscaping on Lot C-52 to Lifestyle Builders Corp. Seconded by Trustee Lamer. Motion carried 5-0.

Trustee Banks moved to accept the Ira Wickes proposal dated June 17, 2003 for tree trimming at Village Hall in the amount of \$960.00 and additional work at \$880.00 to trim all the existing large trees around the property as shown on the map, and to remove the two dead trees next to the parking lot. Seconded by Trustee Lamer. Motion carried 5-0.

Deputy Mayor Sanderson moved to appoint Susan Glantz Village Clerk, Treasurer, Records Access Officer and Registrar of Vital Statistics of the Village of Pomona. Seconded by Trustee Lamer. Motion carried 5-0.

1. Salute to the Flag.

Mayor Marshall announced that the blasting noises that were heard throughout the Village today were not blasting but cannon fire from West Point.

2. Open Period

Bill Hannifin, 2 Sunset Terrace: Mr. Hannifin had two items for the Board to consider. Route 306, between Route 202 and Hidden Valley Drive has become a speedway. He feels the dotted line should be changed so drivers can't pass other cars on Route 306. Cars turning out of Boar Court, making a right hand turn onto Route 306 are finding cars in their lane that are passing cars on Route 306. Mayor Marshall responded that Trustee Roman did raise the matter at the last Board meeting. Route 306 is a State road and he is working to have either a solid single or solid double line installed. Mr. Hannifin's second issue was the noise made by commercial landscapers around 5, 6 or 7 o'clock on a Saturday night. He would like an earlier noise cut off time. Mayor Marshall responded the matter is being addressed by the noise ordinance being revised currently. Mr. Hannifin then asked that the zoning at Patrick Farm remain at 2-acre zoning and not be down zoned by the Town of Ramapo. Mayor Marshall responded that this issue, along with other issues in the proposed Master Plan, is being addressed by the Mayors in the Villages in the Town of Ramapo.

Trustee Roman moved to close the Open Period. Seconded by Trustee Banks. Motion carried 5-0.

3. Public Hearings

A. Local Law to Regulate Snow Plowing and Landscaping Contractors

Mayor Marshall read the addition to the Village Code, Section 91-4 "b. No person shall plow, shovel, sweep or pile snow, ice or other materials in or beyond the right-of-way of any street or public highway or cause such to be done so as to interfere with the safety and convenience of public travel. c. No person shall park or leave its landscape vehicle

in the right-of-way of any street or public highway or cause such to be done so as to interfere with the safety and convenience of public travel. d. No person shall dump, deposit or cast off clippings, leaves or other landscape debris, in a public park or in the right-of-way of any street or public highway or cause such to be done so as to cause a health hazard by providing fertile ground for vermin, unpleasant odors and unsightly accumulations". The revision to the Local Law further provides "a violation to this Chapter shall be punishable by a fine of \$250.00".

Mayor Marshall noted a further revision in 91-3 under Litter where it was added, "and the deposit of snow in public streets and rights-of-way by commercial snow removal and plowing contractors". That should be amended to read "....and deposit of snow in public streets and rights-of-way" deleting 'by commercial snow removal and plowing contractors'.

Mr. Ortenberg commented at this time that the fine of \$250.00 was based on an erroneous impression. Trustee Lamer researched the matter and found it deals with ordinances, which the Village does not do, and the Village may fine any amount it deems fit as long as it's not unreasonable.

Mayor Marshall opened the Public Hearing.

Jay Helfgott, 13 Beaver Dam Road: He felt the fines should be doubled to ensure that the local law is upheld.

Trustee Roman moved to close the Public Hearing. Seconded by Deputy Mayor Sanderson. Motion carried 5-0.

Mayor Marshall then asked for discussion on the proposed local law, including a change in the fine from \$250.00 to \$500.00.

Deputy Mayor Sanderson moved to amend the fine from \$250.00 to \$500.00. Seconded by Trustee Banks.

Trustee Lamer suggested that the fines might be imposed on a graduated level, from \$250.00 for the first violation, and \$500.00 for the second, and then increase the fine if the violation continues. Mayor Marshall responded that the fine of \$500.00 also relates to the Local Litter Law. Trustee Roman agreed with Trustee Lamer's suggestion of a graduated fine schedule.

Mayor Marshall asked for those in favor of eliminating the change of Section b, the amount of the fine from \$250.00 back to \$500.00. The amendment carried 5-0.

Trustee Lamer moved to amend subsection D to include language that the first violation of Section 91-4(b) shall be \$250.00 and every violation thereafter shall be \$500.00. Seconded by Trustee Roman.

Trustee Banks commented the law will be difficult to enforce and he is in favor of maintaining the \$500.00 fine for each offense. Deputy Mayor Sanderson was also in favor of maintaining the \$500.00 fine.

Motion was defeated 3-2.

Mayor Marshall then asked for a motion to adopt the changes as discussed in the local law to regulate snow plowing and landscape contractors. A further amendment was made to change the title of the local law to "To Regulate Snow Plowing and Landscaping".

Trustee Lamer moved to adopt the local law regulating snow plowing and landscaping, as amended. Seconded by Deputy Mayor Sanderson. Motion carried 5-0.

A copy of the Local Law is attached to the Minutes.

B. Local Law Amending Pomona Code Regarding Overnight Parking on Village of Pomona Streets and Roadways

Mayor Marshall read the changes which are in Section 124-7, "All Night Parking Prohibited, A. All-night parking of motor-vehicles which is hereby defined as continuous parking on any street or road in the Village of Pomona between the hours of 2:00 A.M. and 6:00 A.M., inclusive, is hereby prohibited, except as provided hereinafter.

B. The Village Clerk shall be authorized to issue a written permit for all-night parking, upon application therefore in writing by the owner of the motor-vehicle for which such parking is sought, in accordance with the following conditions and requirements:

1. The application shall set forth an explanation of the need for the permit, including, but not limited to (i) temporary construction activities that prevent the use of the driveway on the property where the motor-vehicle would otherwise have been parked; (ii) the need, on a temporary basis, to park a larger number of motor-vehicles all-night than the capacity of the garage and driveway on the property permits; (iii) any other reasonable explanation which would establish to a reasonable person that, temporarily, it would be impractical or impossible to park all-night on a property all vehicles associated with the use of such property, provided, nevertheless, that the basis for the association of such number of vehicles with a particular property is otherwise not in violation of any Chapter or Section of the Code of the Village of Pomona.

2. Such permit shall specify the license plate number of the motor-vehicle for which it was issued and which is authorized by said permit to park all-night, and the address of the property with which the said-motor vehicle is associated.

3. Such permit shall be displayed in such a manner that it is plainly visible from the exterior through the front windshield of the said motor-vehicle.

4. Such permit shall be valid for a period not to exceed seven (7) days from the date of its issuance, but may be renewed by written application to the Village Clerk for a period not to exceed seven (7) additional days.

5. Notwithstanding the issuance of a permit pursuant to this section, such permit shall not constitute authority for all-night parking of a motor-vehicle on a street or road in the Village of Pomona at any time when such parking will constitute a violation of 124-7, subsection 6, of this section, or at any time when such parking would impede or interfere with snow removal.

6. The parking of motor-vehicles is hereby prohibited on all highways, streets, roads and municipal parking lots within the Village of Pomona between the hours of 12:00 midnight and 6:00 A.M. from November 15th of each year through April 1st of the following year.”

A copy of the local law is attached to the Minutes.

Mayor Marshall opened the Public Hearing.

Brett Yagel, 9 Secor Court: Questioned if an emergency arose and cars are parked on the road. Mayor Marshall responded that the law states there is no parking overnight between November 15th through April 1st.

Deputy Mayor Sanderson moved to close the Public Hearing. Seconded by Trustee Lamer. Motion carried 5-0.

Deputy Mayor Sanderson moved to adopt the local law amending overnight parking on Village of Pomona streets and roadways. Seconded by Trustee Banks. Motion carried 5-0.

**4. Adoption of Minutes
A. April 28, 2003**

Deputy Mayor Sanderson commented that Lou Cohn’s name was misspelled and should be corrected wherever it is mentioned in the Minutes.

Deputy Mayor Sanderson moved to adopt the Minutes of April 28, 2003, as amended. Seconded by Trustee Lamer. Motion carried 5-0.

B. May 12, 2003

A correction will be made in the spelling of Lou Cohn’s name.

Deputy Mayor Sanderson moved to adopt the Minutes of May 12, 2003, as amended. Seconded by Trustee Lamer. Motion carried 5-0.

C. May 27, 2003

Trustee Lamer moved to adopt the Minutes of May 27, 2003 as presented. Seconded by Deputy Mayor Sanderson. Motion carried 5-0.

D. June 9, 2003

Mayor Marshall tabled the June 9, 2003 Minutes to the next Board Meeting.

5. Cultural Center

A copy of the Director’s report is attached to the Minutes. Mr. Gde reported the recently held rock concert was successful. The exterior of the Cultural Center is scheduled to be painted the second week of July. Trustee Banks will review the Budget to ensure if there

is money to have additional painting done inside the Cultural Center. Mr. Gde again expressed the need for a storage shed at the Center. Mr. Gde will have a plan and cost figures for the next workshop. Deputy Mayor Sanderson and Mr. Gde are working on a computer set-up for the Cultural Center and will have a plan for the next workshop. A Gardening Workshop is scheduled for July 9th 7 to 9 p.m.

6. Building Department

A. Engineering

Discussion about the road cleaning escrow was held with Mr. Corless. In the Developer's Agreement between the Village and Highgate Development, item 7 states that the developer will post a cash bond, \$10.00 a foot, for the maintenance of the curbs and roadways in front of lots being built on. When the Certificate of Occupancy has been issued and all work completed, the cash bond will be eligible for return.

Deputy Mayor Sanderson moved to return escrow for road clean-up and repair as provided for in the Highgate Developer's Agreement, Paragraph 7, to be handled in the same manner as all other escrow when the need is completed and upon recommendation of the Village Engineer and approval of the Village Board. Seconded by Trustee Banks. Motion carried 5-0.

Clerk Glantz will notify all developers that when a Certificate of Occupancy has been issued for a lot, they may request the return of the road clean-up and curb repair escrow money.

Mr. Corless reported he had fourteen requests for return of escrow. Work has been completed on only two of the lots. The Village form completed by the builder is incomplete and has been returned to him for correction. The note "OK" next to each lot only reflects that the money involved corresponds with the Village Hall office records.

Deputy Mayor Sanderson moved to return an escrow of \$1000.00 to JWL Construction. Seconded by Mayor Marshall. Motion carried 5-0.

Deputy Mayor Sanderson moved to return an escrow of \$500.00 to JWL Construction. Seconded by Trustee Lamer. Motion carried 5-0.

Mr. Corless discussed the return of escrow to Lifestyle Builders Corp., Lot C-52. The Village is holding \$1500.00 for landscaping which has been completed, and \$1500.00 for a paved driveway. The homeowner will be installing paving blocks in place of a macadam driveway. The blocks still have not been installed. Mr. Ortenberg suggested revoking the Certificate of Occupancy since the driveway has not been completed.

Mr. Avi Davi, P.O. Box 598, New City: addressed the Board regarding the above matter. He would like the \$1500.00 escrow for landscaping returned to him. The \$1500.00 for the driveway he is willing to turn over to the homeowner so he can complete the driveway. The driveway the homeowner did install was much wider and larger than would have been installed by the builder. The builder informed the homeowner he could have the \$1500.00 driveway escrow to complete the driveway.

After discussion, it was decided Mr. Ortenberg will send the homeowner a letter giving him ten days to complete the driveway or his Certificate of Occupancy will be revoked.

Deputy Mayor Sanderson moved to return an escrow of \$1500.00 for landscaping on Lot C-52 to Lifestyle Builders Corp. Seconded by Trustee Lamer. Motion carried 5-0.

Mr. Corless then reported on Lot C-50, the builder is Mr. Avi Davi and the homeowner is Mr. Sergei Chapiro. Mr. Chapiro has been unable to locate his footing drain and piping. The Village has a certification from Atzl & Scatassi showing that the pipe is, in fact, in place. After much discussion, it was decided the matter is between the builder and the homeowner and not the Village. Mr. Corless will prepare a letter to the homeowner, in conjunction with Mr. Ortenberg, notifying him the matter is between him and his builder and the Village is not involved.

Mr. Corless and Trustee Banks meet with Temple representatives last week. A checklist of items was discussed and the Temple representatives agreed to do the repairs.

Regarding the installation and repair of berms, a letter from the contractor said he would start the work by June 24th. Mr. Corless recommended that if the work does not start by the next workshop that the Board rescind the bid and go with the next lowest bidder. The matter will be discussed at the workshop.

Mr. Corless reported on the hydrants that were put in by Highgate Development during improvements on the now JWL Construction subdivision. Until the road is dedicated, there is a charge of approximately \$50.00 a month, per hydrant, from the water company. Up until December of 2002, Highgate Development was paying the charges in a timely manner to the Village Clerk. It now appears that Highgate Development is no longer involved and that JWL Construction is now responsible. However, no hydrant charges have been paid by JWL Construction since December 2002. Mr. Corless indicated that Highgate Development is responsible for the maintenance of the roads and that includes the fees on the hydrants. Mr. Ortenberg will research the matter and then write a letter to Highgate Development for them to pay the past due hydrant charges and also an advance payment for the next two years to be held for future payments. Mr. Corless recommended that no Certificates of Occupancy be issued until all bills are current and a two year escrow has been paid.

A drainage problem at 4 North Circle was discussed. Mr. Corless will investigate.

Mr. Corless has a meeting scheduled this week with Mr. Scaffidi regarding the handicap access to Secor Park. At that meeting Mr. Corless will also discuss the removal of the culvert pipe from Burgess Meredith Park.

The Planning Board recommended the concept of creating a new non-buildable lot in Halley Estates II to be accepted for dedication by the Village. The lot would contain a drainage basin currently located on Lot 40. The change would eliminate the need for access maintenance easements and would make the process of up keep more straight-forward. Mr. Corless recommended removing it from the subdivision and offering it to the Village for dedication with the roads. The Board was in agreement on the concept.

B. Planning and Zoning

Mayor Marshall commented that he received a letter of resignation from Richard Ehrlichman, Chairman of the Zoning Board of Appeals. The recommendation for a new Chairman will be made at the Workshop meeting.

7. Committee Reports

A. Recreation

A copy of the Recreation Committee Report is attached to the Minutes.

B. Parks

Trustee Banks reported there is nothing new on spring repairs at the parks. The Ira Wickes proposal for tree trimming at Village Hall was just received and Trustee Banks recommended having all the trees trimmed at this time.

Trustee Banks moved to accept the Ira Wickes proposal dated June 17, 2003 for tree trimming at Village Hall in the amount of \$960.00 and additional work at \$880.00 to trim all the existing large trees around the property as shown on the map, and to remove the two dead trees next to the parking lot. Seconded by Trustee Lamer. Motion carried 5-0.

Trustee Roman would like to see the poison ivy also removed from the property around Village Hall. The proposal for that was \$1350.00 for three separate sprayings.

Trustee Roman moved to approve the Wickes proposal of \$1350.00 for the removal of the poison ivy from the property around Village Hall. Seconded by Trustee Lamer.

Trustee Banks suggested tabling the issue until a replanting plan is submitted.

Trustee Banks moved to table Trustee Roman's motion to the next Workshop. Seconded by Deputy Mayor Sanderson. Motion carried 4-0-1. Trustee Roman abstained.

C. Board of Ethics

Trustee Roman reported the Board of Ethics has met and she was appointed Chair of the Board of Ethics. A copy of the meeting minutes are attached to the Board Minutes.

D. Other

Nothing at this time.

8. Finance

The Treasurer's Report is attached to the Minutes.

B. Grants and Awards

Extensions on the Community Service Provider Assistance Program grants has been received on the \$10,000 grant to March 31, 2004 and on the \$15,000 grant to July 31, 2004.

9. Code Enforcement

The Code Enforcement Officer's report is attached to the Minutes. Mr. Helfgott submitted photographs to the Board of the construction dumping that was done on Beaver Dam Road's cul de sac. He will monitor the situation.

10. Legal Period

Mr. Ortenberg reported that he has sent to Mayor Marshall a draft amending Chapter 108 of the local law amending the regulating of satellite antennas that was prepared by Deputy Mayor Sanderson.

Mayor Marshall reported that Mr. Ortenberg had prepared an amendment regarding the escrow fees and the time limits based on Mr. Corless' input. The matter will be discussed at the next Workshop and a public hearing will be set.

11. Old Business

The cable franchise agreement is still under discussion and will be reviewed at the next Workshop and, if needed, a public hearing will be set for July.

Regarding the Haverstraw road agreement, Mayor Marshall and Mr. Ortenberg have met with Bill Stein, attorney for the Town of Haverstraw and Howard Phillips, Town Supervisor, and progress was made in finalizing the road maintenance agreement with the Town.

Mayor Marshall gave an update on the status of the proposed Ramapo Comprehensive Master Plan.

12. New Business

Mayor Marshall recommended appointing the Village Clerk, Susan Glantz as Records Access Officer in addition to her other duties.

Deputy Mayor Sanderson moved to appoint Susan Glantz Village Clerk, Treasurer, Records Access Officer and Registrar of Vital Statistics of the Village of Pomona. Seconded by Trustee Lamer. Motion carried 5-0.

13. Office Period

Nothing at this time.

14. Second Open Period

Brett Yagel, Secor Court: Commented on the return of escrow and liability when a neighbor's property is damaged. Mayor Marshall explained the reason for escrow payments and when and how they are returned.

15. Trustees Period

Nothing at this time.

Deputy Mayor Sanderson moved to adjourn to Executive Session to discuss matters of litigation and personnel matters. Seconded by Trustee Roman. Motion carried 5-0.

Trustee Roman move to close the Executive Session and resume the public session of the meeting. Seconded by Trustee Lamer. Motion carried 5-0.

Deputy Mayor Sanderson moved to adjourn the meeting. Seconded by Trustee Roman. Motion carried 5-0.

Meeting adjourned at 10:15 p.m.

Respectfully submitted,

Malverne J. Toll